

**FILED**  
UNITED STATES DISTRICT COURT  
SANTA FE, NEW MEXICO

OCT 25 2024



Civil Complaint

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO  
**MITCHELL R. ELFERS**  
CLERK

Clifford Robert Cummings,  
Plaintiff,

**24cv1097-JFR**

v.

**\*\*The Estate of Forrest Fenn and Sommer Karnes & Associates, LLP, as Executor,\*\***  
Defendants.

Civil Action No. \_\_\_\_\_

## COMPLAINT

### INTRODUCTION

1. This is a civil action arising from a demand for compensation related to the estate of Forrest Fenn and a treasure chest allegedly concealed by him, which is the subject of a claim for damages based on multiple legal theories, including breach of contract, promissory estoppel, fraud or misrepresentation, unjust enrichment, and intentional infliction of emotional distress.

### PARTIES

2. Plaintiff, Clifford Robert Cummings, is an individual residing at General Delivery, Hilo, HI.
3. Defendants are:
- a. The Estate of Forrest Fenn, an estate created upon the death of Forrest Fenn;
  - b. Sommer Karnes & Associates, LLP, a law firm located at 125 Lincoln Ave, Suite 221, Santa Fe, NM 87501, acting as Executor of the estate of Forrest Fenn.

### JURISDICTION AND VENUE

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 as the parties are citizens of different states and the amount in controversy exceeds \$75,000.
5. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because a substantial part of the events giving rise to the claim occurred in this District.

### FACTUAL ALLEGATIONS

6. Forrest Fenn, an art dealer and author, concealed a treasure chest containing valuable items, which he described in a poem published in his book, "The Thrill of the Chase."

7. Plaintiff engaged in correspondence with Mr. Fenn, where he presented his interpretation of the poem and identified a location believed to contain the treasure.

8. Mr. Fenn responded to Plaintiff's claim with a statement indicating that Plaintiff did not solve the poem, suggesting an intentional rejection of Plaintiff's claim.

9. Plaintiff visited the alleged treasure location in Glacier National Park, further believing in the validity of his solution based on his observations.

10. Upon information and belief, Mr. Fenn contracted a private party, Jack Stuef, to retrieve the treasure, complicating Plaintiff's access and claim.

11. Plaintiff asserts that he suffered emotional distress and other damages due to the denial of his claim to the treasure and the circumstances surrounding its retrieval.

#### GEOGRAPHICAL LOCATIONS IDENTIFIED IN THE SOLUTION

12. The following nine geographical locations are identified as part of Plaintiff's solution to the poem:

1. **\*\*Where Warm Waters Halt\*\*** - Identifies Glacier National Park.
2. **\*\*The Canyon Down\*\*** - Identifies Mt. Cannon (intentionally misspelled).
3. **\*\*Not Far, But Too Far to Walk\*\*** - Identifies Going-to-the-Sun Road as the main thoroughfare in Glacier.
4. **\*\*Put In Below the Home of Brown\*\*** - Identifies Mt. Brown.
5. **\*\*From There, It's No Place for the Meek\*\*** - Identifies the Continental Divide Trail.
6. **\*\*The End is Ever Drawing Nigh\*\*** - Identifies Hidden Creek, Hidden Lake, and Hidden Trail.
7. **\*\*There Will Be No Paddle Up Your Creek, Just Heavy Loads and Water High\*\*** - Identifies Avalanche Creek and Hidden Lake.
8. **\*\*If You've Been Wise and Found the Blaze, Look Quickly Down Your Quest to Cease\*\*** - Identifies Hidden Trail and Lookout Point, with the island as the ultimate destination.
9. **\*\*If You Are Brave and in the Wood\*\*** - Identifies the island in Hidden Lake as the location of the chest.

#### LEGAL CLAIMS

##### COUNT I: BREACH OF CONTRACT

13. Plaintiff incorporates all preceding paragraphs.

14. Implied agreements between Plaintiff and Mr. Fenn during their correspondence indicate a potential claim to the treasure upon demonstrating a solution to the poem.

15. Defendants' refusal to acknowledge Plaintiff's claim constitutes a breach of any implied contractual obligation.

#### COUNT II: PROMISSORY ESTOPPEL

16. Plaintiff incorporates all preceding paragraphs.

17. Mr. Fenn's assurances regarding the treasure led Plaintiff to reasonably rely on the belief that his solution would be recognized, resulting in detrimental reliance.

18. Justice requires enforcement of Plaintiff's claim to prevent injustice.

#### COUNT III: FRAUD OR MISREPRESENTATION

19. Plaintiff incorporates all preceding paragraphs.

20. If Mr. Fenn misled Plaintiff regarding the status of the treasure and his claim, this constitutes fraud or misrepresentation.

21. Plaintiff relied on this misrepresentation to his detriment.

#### COUNT IV: UNJUST ENRICHMENT

22. Plaintiff incorporates all preceding paragraphs.

23. Mr. Fenn benefited from Plaintiff's efforts related to the treasure while unjustly denying him access.

24. Equity demands restitution to Plaintiff for the value derived by Mr. Fenn from Plaintiff's efforts.

#### COUNT V: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

25. Plaintiff incorporates all preceding paragraphs.

26. The rejection of Plaintiff's claims, coupled with the circumstances surrounding the treasure's retrieval, has caused significant emotional distress to Plaintiff.

27. Defendants' actions were outrageous and intolerable, warranting compensation for emotional damages.

#### PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court:

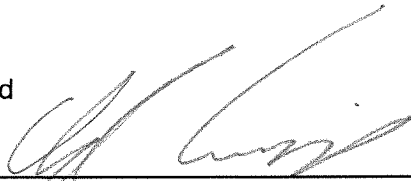
- A. Award Plaintiff \$10 million in compensatory and punitive damages;
- B. Award Plaintiff costs of this action, including reasonable attorney's fees;
- C. Grant any other relief the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

10/18/2024

Respectfully submitted



10/18/24

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Clifford Robert Cummings  
General Delivery  
Hilo, HI  
zawop888@gmail.com  
716-222-2044  
Pro Se

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of New Mexico



Clifford Cummings

\_\_\_\_\_  
*Plaintiff(s)*

v.

The Estate of Forrest Fenn and Sommer Karnes &  
Associates, LLP, as Executor

\_\_\_\_\_  
*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* The Estate of Forrest Fenn and Sommer Karnes & Associates, LLP, as Executor  
125 Lincoln Ave, Suite 221  
Santa Fe, NM 8750

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Clifford Cummings  
General Delevry  
Hilo, HI 96720

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

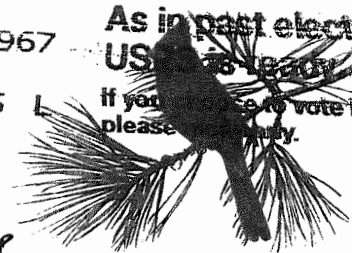
Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Clifford Cummings  
General Delivery  
Hilo, HI 96720

HONOLULU HI 967  
18 OCT 2024 PM 5 L

As in past elections,  
USPS is ready  
if you choose to vote by mail,  
please return it promptly.



Santiago E Campos U.S. Courthouse  
U.S. District Court  
District of New Mexico  
106 S. Federal Place  
Santa Fe, NM 87501

RECEIVED  
UNITED STATES DISTRICT COURT  
SANTA FE, NEW MEXICO

OCT 25 2024

MITCHELL R. ELFERS  
CLERK

FOREVER / USA

"We ask  
but for  
Peace,  
Liberty  
and  
Safety."

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